



COMMONWEALTH OF MASSACHUSETTS
**Board of Registration
of
Hazardous Waste Site Cleanup Professionals**

**MINUTES
of
BOARD MEETING
Held on
October 31, 2013**

Meeting Location:

Western Regional Office
Massachusetts Department of Environmental Protection
436 Dwight Street
Springfield, MA

Prepared by: Lynn Read
[Approved: November 21, 2013]

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting held on August 29, 2013
3. Draft Solicitation of Comments on Regulatory Changes
4. Letter from Wesley Stimpson dated August 14, 2013
5. Petition for Waiver dated October 16, 2013
6. Renewal Dockets

Call to Order: Benjamin Ericson called the meeting to order at approximately 2:30 p.m. The other Board members present were David Austin, Gail Batchelder, Kirk Franklin, John Guswa, Debra Listernick, Robert Rein, James Smith, and Farooq Siddique. No Board members were absent. Staff members present were Beverly Coles-Roby and Lynn Read. Also present were Wendy Rundle, Executive Director of the LSP Association ("LSPA"); Wesley Stimpson; and Eva Tor, Deputy Regional Director of the Western Regional Office of the Massachusetts Department of Environmental Protection ("MassDEP").

2. **Announcements:** Mr. Ericson said the Board was glad to hold its meeting at the Western Regional Office, and he welcomed Jamie Smith of the City of Boston Department of Neighborhood Development as the newest member of the Board, in the slot for a member of a labor organization.
3. **Agenda:** Mr. Ericson said Mr. Stimpson's letter regarding the application review process raised important issues that the Board should discuss in a structured way, but Mr. Ericson had not had a chance to assemble the regulatory and other materials that would be helpful

for such a discussion, and he suggested this item be tabled. **The members agreed to address the letter at the next Board meeting.**

Ms. Listernick said the recent practice of putting action items in boldface in the minutes is helpful, and she asked how those items are being tracked, stating that some action items identified earlier by the Board were not done. Mr. Ericson and Ms. Coles-Roby said they review all agenda items, and Ms. Coles-Roby performs the tasks needed. **Board members requested a running list of action items updated at each meeting. Mr. Ericson and Ms. Coles-Roby said they would consider Ms. Rundle's suggestion of placing all action items at the beginning of the agenda for the next meeting.**

4. **Minutes of Meeting Held on August 29, 2013:** The members reviewed the draft of the minutes of the meeting of the Board held on August 29, 2013, and made minor corrections. **A motion was made and seconded to approve the draft of the August 29, 2013 minutes as corrected. The motion passed unanimously.**
5. **LSP Board Regulatory Changes:** Mr. Ericson said Ms. Coles-Roby prepared the draft "Solicitation of Comments on Regulation Changes" to obtain input from the broader LSP community in suggesting amendments to the Board's regulations. **The members requested that the notice request the assistance of "the general public" as well as "the LSP community." The members agreed that only the Board's current regulations should be circulated, with a deadline of December 31, 2013 for responses. The members accepted Mr. Ericson's offer to send an announcement via the listserve of MassDEP's Bureau of Waste Site Cleanup, stating that the Board is seeking comments on the current regulations and suggestions for amendments.**
6. **A-B. Decisions Regarding Licensing of Applicants:** The staff presented the following Application Docket:

New Application Docket Number 1

ID #	Applicant Name/Company Name	ARP #	REC.
1450	Guy P. Dalton/GZA GeoEnvironmental, Inc.	253	Table
8555	Jessica L. Fox/Vertex Environmental Services, Inc.	253	Table

At the Board's meeting on August 29, 2013, both applications from Application Review Panel #253 were tabled and the applicants were asked for more information. The information was submitted and reviewed by the ARP. A motion was made and seconded to accept the recommendation from ARP #253 that the applications submitted by Mr. Dalton and Ms. Fox be approved and that they be found eligible to take the exam. The motion was approved unanimously.

- C. **Letter from Wes Stimpson:** In accordance with today's discussion of the Agenda, the letter from Mr. Stimpson was tabled for discussion at a future Board meeting.

- D. **Waiver Request:** The members present discussed a written request dated October 16, 2013, for waiver of the requirement that an application must include a minimum of two Form 3 Project Descriptions for each Form 2 Position submitted as Relevant Professional Experience. The applicant stated that for two years and 11 months, 90% of his responsibilities were to service one client on one Uplands Corrective Measure for a 109-acre facility. **After discussion, the Board requested that the staff ask the applicant to submit his application with only one Form 3, and the Board would evaluate the application on its merits.**

7. **License Renewal Applications:**

A. **Renewal Dockets.** The staff presented the following License Renewal Dockets:

Renewal Docket #1
Renewal Date: October 30, 2013
New Renewal Date: October 30, 2016
Has completed all requirements for renewal:

LSP #	First	Middle	Last
3984	James	D.	Doherty
4303	David	C.	Bennett
5736	Brian	T.	Butler
5830	Kenneth		McDermott
1580	Susan	A	Jason

Renewal Docket #2
Old Renewal Date: October 30, 2012
New Renewal Date: October 30, 2016

License expired on October 30, 2012, for lack of credits.
Individual has completed renewal requirements within
1-year deadline and is now eligible for active status:

LSP #	LSP Name
5481	Elliott, Michael J.

Renewal Docket #3

Renewal Date: October 30, 2013

New Renewal Date: January 28, 2014

Have requested a 90-day extension:

LSP #	LSP Name
9999	Paul G. Beaulieu
9536	Marylou Armstrong
6889	Caron S. Koll
5408	Andrew Bakinowski

Renewal Docket #4

Renewal Date: July 30, 2013

New Renewal Date: July 30, 2016

Have requested a 90-day extension:

LSP #	First	Middle	Last
6645	Katherine	A.	Fogarty
4513	Marilyn	M.	Wade
6364	Christophe	M.	Henry

Renewal Docket #5

Renewal Date: October 30, 2013

New Renewal Date: October 30, 2016

Has completed all requirements for renewal:

LSP #	First	Middle	Last
8904	David	B.	Sherman

A motion was made and seconded to renew the licenses of the LSPs on Renewal Dockets #1, #2, and #5 for a three-year period ending on the dates indicated, and to grant a 90-day extension to the LSPs on Renewal Dockets #3 and #4. The motion was approved unanimously.

B. Other Renewal-Related Matters. The staff reported that no waiver requests were received since the previous meeting, and there were no other renewal-related matters.

8. Other Licensing-Related Matters:

A. New Panel Assignments and Scheduling. The members discussed assigning Application Review Panels (“ARPs”) between Board meetings, to expedite the review process and avoid, as much as possible, applicants who miss opportunities to take the LSP examination. **It was agreed that after the Executive Director receives recusal forms for new applications, she will send requests to non-recused members to serve**

on ARPs, which will meet at the next Board meeting if possible.

The following Board members volunteered to serve on Application Review Panel #255: Mr. Franklin, Mr. Siddique, and Mr. Smith.

B. Appeals Status Report. Ms. Coles-Roby reported that there are no pending appeals regarding the Board's denial of a license application.

C. Inactive Status Report. The staff reported that the following LSPs are currently on Inactive Status:

LSP Number	License Status Date	License Status	Last Name	First Name
9282	January 3, 2013	Inactive	Welsh	Mark
7613	January 25, 2012	Inactive	Warren	Robert
9392	April 20, 2012	Inactive	Frothingham	Benjamin

E. Total Number of Active LSPs. As reported in the Agenda, the total number of Active LSPs was 556 as of October 22, 2013.

9. Examinations:

A. Dates of Next Exam: The staff reported that the dates for the next administration of the exam will be November 20, 2013, December 4, 2013, and December 11, 2013, and that all applicants approved to take the exam will be accommodated pursuant to the Board's instructions at its meeting on June 20, 2013.

B. Exam Challenges: Ms. Coles-Roby reported that of the 17 questions challenged by one applicant, five or six remain pending. **Dr. Guswa and Mr. Siddique volunteered to review all the challenged questions.** They said they would consult the Board if they have any question whether the Board would agree with the recommendations by reviewer John Fitzgerald of MassDEP. **Dr. Guswa asked the staff to ask Mr. Borges of MassDEP to create a table of total responses for each of the answer choices for each challenged question.** The members also discussed that there is no required schedule for responding to the challenge, and that some challengers might need to re-take the exam while their exam challenge is pending before the Board.

At approximately 3:30 p.m., Mr. Austin and Mr. Smith left the meeting.

D. Exam Subcommittee: Ms. Coles-Roby said the subcommittee is meeting frequently, and the next meeting is November 13, 2013. She said all the preparatory work has been done to engage a psychometrician, and MassDEP is completing its contracting process. She said Mr. Fitzgerald and Mr. Borges of MassDEP would meet with Mr. Stimpson before the next Board meeting, to review draft questions that incorporate the upcoming amendments to the Massachusetts Contingency Plan.

10. Continuing Education Committee Report:

A. Course and Conference Approval Requests. Dr. Guswa reported that the Committee had met earlier in the day and had the following course recommendations to present to the full Board:

Old Business:

- a) Microbial Insights: Integrating Molecular Biological Tools into Site Management (4 Technical credits).
Committee Recommendation: **No action needed because this course was previously approved as Course No. 1465.**
- b) Groundwater & Environmental Services, Inc. ("GES"): Assessment of LNAPL Mobility and Recoverability (Fall 2013, Location TBD, Faculty Change 8 Technical credits)
Committee Recommendation: **Conditionally Approve**

New Business

- a) Northwest Environmental Training Center: Management and Remediation of Contaminated Sediments (13 Technical credits).
Committee Recommendation: **Tabled, ask sponsor for the specific schedule, with correct titles for each day and topics well described; course durations and breaks; and statements of relevance to the MCP for each course.**
- b) Northwest Environmental Training Center: Management and Remediation of Contaminated Sediments (12 Regulatory credits).
Committee Recommendation: **Tabled, ask sponsor for the specific schedule, with correct titles for each day and topics well described; course durations and breaks; and statements of relevance to the MCP for each course.**
- c) National Groundwater Association: Pillars of Groundwater Innovation Conference (5 hours 10 minutes Technical credits; November 8, 2013 6 hours Technical credits; full conference attendance 11 hours 10 minutes Technical credits).
Committee Recommendation: **One Technical credit for each 2 hours of attendance**
- d) Environmental Professionals' Organization of Connecticut: A Short Course in Contaminated Fractured Rock Hydrogeology and Geophysics (8 Technical credits).
Committee Recommendation: **Previously Approved as Course No. 1469, new speaker and revised agenda do not require new approval.**
- e) LSPA: Applied Metals Geochemistry (4 Technical credits).
Committee Recommendation: **Approve**

- f) LSPA: LNAPL Assessment and Extraction Technologies (1 Technical credit).
Committee Recommendation: **Approve**
- g) Northeast Waste Management Officials' Association: Moving Toward More Sustainable Remediation (5.5 Technical credits).
Committee Recommendation: **Approve**
- h) ARCADIS U.S., Inc.: Monitored Natural Attenuation Training (on-line course 5.5 Technical credits).
Committee Recommendation: **Tabled for discussion of web-based training**
- i) ARCADIS U.S., Inc.: Air Sparging and Soil Vapor Extraction (on-line course 5.5 Technical credits).
Committee Recommendation: **Tabled for discussion of web-based training**
- j) Environmental Professionals' Organization of Connecticut: LNAPL Mass, Mobility and Recoverability Evaluation
Committee Recommendation: **The Committee believed this course had been previously approved. However, the Board's list of approved courses does not include this course, and thus in effect, this course was Tabled. Staff should ask sponsor to submit attendance record and evaluation forms**
- k) Request by LSP Lawrence Lessard for credit for NH Dept. of Environmental Services conference (Board to determine credits)
Committee Recommendation: **Inform requestor that conference provider should request approval and provide all required information, including relevance to MCP and attendance record and evaluation forms**

A motion was made and seconded to accept the Committee's recommendations. The motion was approved unanimously.

B. Other Business: None.

- 11. **Professional Conduct Committee:** The Board agreed to forego a Professional Conduct Committee report because all the Board members present at this meeting were also present at the meeting of the Professional Conduct Committee held earlier in the day.
- 12. **Personnel, Budget, and Fees:** Ms. Coles-Roby reported that she, Ms. Read, and Ms. Wyche have been doing the first round of interviews of ten candidates for the position of Senior Investigator. Dr. Guswa asked how the Board can have input into whether the applicants have the technical qualifications necessary for this position. **Mr. Ericson said that after the first round of interviews, he would meet with Ms. Coles-Roby and they would report to the Board a summary of the qualifications of the top three applicants.** Ms. Coles-Roby said there would be a second round of interviews, and she hopes to fill the position by December. Mr. Franklin and Dr. Batchelder asked at what time in that schedule the Board can participate, and in what way. **Mr. Ericson said he hoped to**

provide the Board with a description of each applicant and their technical abilities, so that the Board may comment on them at its meeting on November 21, 2013. Dr. Batchelder suggested that the Board members receive a description of the applicants' education and a writing sample, without infringing on privacy requirements for the applicants. Members noted that the Board's participation was to help the Executive Director make the decision, since, in the past; the Board had selected the Executive Director.

13. **Status of Board Member Replacements by Governor:** Ms. Coles-Roby reported that there was an application pending for the one remaining open slot on the Board of the five openings on the Board that have been filled during her tenure. Mr. Ericson said the appointments were important to show that the open slots had not impaired the functioning of the Board. He said five appointments within one year was a great accomplishment that was reached with help from the LSPA, and the LSPA newsletter will help publicize the appointments.

14. **Public Records/Open Meeting Law Requests**

Ms. Coles-Roby reported she was answering several Public Records Act requests and an Open Meeting Law complaint. She said there were two complaints pending in the Attorney General's office and one complaint at the Secretary of State's office. One request for documents was pending with MassDEP, and one request was sent to the Executive Office of Energy and Environmental Affairs (EOEEA). The members and Ms. Coles-Roby discussed that the generator of a document is its official keeper; therefore, in responding to Public Record requests, **members should include documents they originally sent to her.** Ms. Coles-Roby noted that each agency involved in the complaints needed its own legal counsel. She said that MassDEP's attorney had completed the review of the Board's Executive Session minutes from 2012 for personal information, and those minutes had been sent to the requestor. **Mr. Ericson said the question as to whether Executive Session minutes should be posted on the Board's web page was a separate question to be addressed at a future meeting.**

15. **Other Business**

LSPA News Topic: Ms. Rundle said the LSPA was converting its newsletter to a blog, but is currently still publishing the newsletter.

16. **Scheduling of Future Meetings:** The members decided the location for the next meeting will be the Northeast Regional Office in Wilmington. **Ms. Coles-Roby suggested that the Board determine the locations of all its planned meetings for 2014, so that both the dates and the locations of upcoming meetings can be posted for the public on the Board's website.**

17. **Adjournment:** The meeting was adjourned at approximately 4:20 p.m.